

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RAY MCARTHUR FREENEY,

Petitioner,

Cause No.

VS.

WILLIAM STEPHENS, Director,  
Texas Department of Criminal Justice,  
Institutional Division

DEATH PENALTY CASE

Respondent

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MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW Donald Vernay, and pursuant to 21 U.S.C. § 848(q)(4)(b), requests that this Court appoint Mr. Vernay and Michael B. Charlton as counsel for Mr. Freeney in his 28 U.S.C. § 2254 habeas corpus proceedings. The basis for this motion is as follows:

1. The Petitioner is a Texas death sentenced inmate who was convicted of capital murder and sentenced to death on August 29, 2003 in the 337<sup>th</sup> District Court of Harris County, Texas.
2. The Petitioner has exhausted his state remedies, and on January 29, 2013 the Texas Court of Criminal appeals issued an opinion denying him relief in his state petition for habeas corpus. *Ex Parte Ray McArthur Freeney*, No. WR-78, 109-01 (Tex. Crim. App. 2013).
3. Mr. Freeney was initially represented in his state habeas corpus proceedings by

James Leitner, who subsequently obtained employment with the Harris County District Attorney's office.

4. The instant proceeding under 28 U.S.C. § 2254 involves a state death penalty conviction and pursuant to 21 U.S.C. § 848(q)(4)(b), one or more attorneys shall be appointed to represent the Petitioner.

5. Both Mr. Vernay and Mr. Charlton are members of the Texas bar and the bar of this Court and are highly experienced in the representation of death penalty litigants in 28 U.S.C. § 2254 proceedings, and have been and are currently counsel of record in a number of Texas Southern District § 2254 cases.

WHEREFORE undersigned counsel requests that this Court appoint Mr. Vernay and Mr. Charlton as counsel for the Petitioner in this case.

RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of February 2014.

/s/ Donald Vernay  
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